

## REMARKS

In response to the Final Office action dated January 18, 2007, Applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-10 are pending in the present Application for consideration upon entry of the following remarks. Reconsideration and allowance of the claims are respectfully requested in view of the following remarks.

### Claim Rejections Under 35 U.S.C. §103

Claims 1, 2, 4, 6, 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable by previously cited Suzuki, U.S. Patent No. 5,905,556 (hereinafter "Suzuki"), Mori U.S. Patent No. 5,367,179 (hereinafter "Mori") and Ono, U.S. Patent No. 6,774,956 (hereinafter "Ono"). Applicants respectfully traverse the rejections.

Applicants respectfully submit that there exists no suggestion or motivation to combine Suzuki, Mori and Ono to teach the claimed invention.

Claims 1 and 8 recite, *inter alia*, "the pixel electrode and the common electrode are curved **and** a pitch of the curving of the pixel electrode and the common electrode is larger than about 50 microns." Claims 2, 4, 6 and 9 depend from Claims 1 and 8, and inherit all of the limitations of Claims 1 and 8, respectively.

In the Office action, it is conceded that Suzuki does not disclose that the "pixel electrode and common electrode are curved" of Claims 1. Suzuki not only does not disclose curved pixel and common electrodes, but in fact specifically teaches contrary to the claimed invention. There is no suggestion or motivation in Suzuki of anything resembling a curved electrode, as claimed. That is, dimensions of a pixel being 110µm x 330µm disclosed in Suzuki only refers specifically to non-curved electrodes, as those being the only electrodes taught by Suzuki. The dimensions of the pixel disclosed by Suzuki are irrelevant for a curved electrode. Therefore, there exists no suggestion or motivation in Suzuki or to one of ordinary skill in the art to modify or combine the electrodes of Suzuki to teach both the pixel electrode and the common electrode are curved AND a pitch of the curving of the pixel electrode and the common electrode is larger than about 50 microns of Claims 1 and 8.

Ono discloses a curved electrode, but teaches no dimensions of the curved electrode. There is no suggestion or motivation in Ono of any relative dimensions or considerations as to what the pitch of the curved electrode is considered. Therefore, there exists no suggestion or motivation in Ono or to one of ordinary skill in the art to modify or combine the electrodes of Ono to teach both the pixel electrode and the common electrode are curved AND a pitch of the curving of the pixel electrode and the common electrode is larger than about 50 microns of Claims 1 and 8.

Mori is relied upon as disclosing a source electrode and also does not teach or suggest all of the limitations of Claims 1 and 8, nor provides a motivation or suggestion to modify or combine the electrodes of Suzuki and Ono to teach the pixel electrode and the common electrode are curved AND a pitch of the curving of the pixel electrode and the common electrode is larger than about 50 microns of Claims 1 and 8.

Applicants further maintain that the Examiner has used an improper standard in arriving at the rejection of the above claims under section 103, based on improper hindsight, which fails to consider the totality of applicants' invention and to the totality of the cited references. More specifically the Examiner has used Applicants' disclosure to select portions of the cited references to allegedly arrive at Applicants' invention. In doing so, the Examiner has failed to consider the teachings of the references or Applicants' invention as a whole in contravention of section 103, including the disclosures of the references which teach away from Applicants' invention.

Section 103 sets out the test for obviousness determinations. It states, in pertinent part, that such determinations are to be made by consideration of

. . . the differences between subject matter sought to be patented and the prior art such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the [pertinent] art.

In applying Section 103, the U.S. Court of Appeals for the Federal Circuit has consistently held that one must consider both the invention and the prior art "as a whole", not from improper hindsight gained from consideration of the claimed invention. See, *Interconnect Planning Corp. v. Feil*, 227 U.S.P.Q. 543, 551 (Fed. Cir. 1985) and cases cited therein.

According to the *Interconnect* court -

[n]ot only must the claimed invention as a whole be evaluated, but so also must the references as a whole, so that their teachings are applied in the context of their significance to a technician at the time - a technician without our knowledge of the solution.

*Id.* Also critical to this Section 103 analysis is that understanding of “particular results” achieved by the invention. *Id.*

When, as here, the Section 103 rejection was based on selective combination of the prior art references to allegedly render a subsequent invention obvious, “there must be some reason for the combination other than the hind sight gleaned from the invention itself.” *Id.* Stated in another way, “[i]t is impermissible to use the claimed invention as an instruction manual or ‘template’ to piece together the teachings of the prior art so that the claimed invention is rendered obvious.” *In re Fritch* 23 U.S.P.Q.2d 1780, 1784 (Fed. Cir. 1992).

In a non-limiting embodiment of the present invention, the configuration of the electrodes is specifically defined and claimed to reduce texture due to the distortion of an electric field near connections of the pixel electrodes and lines, and between the common electrode and lines. (See, for example, Paragraphs 0004 and 0057 of the Specification.)

Applicants respectfully submit that the disclosed pixel dimensions of Suzuki are irrelevant for reducing the texture. The curved electrode disclosed by Ono relates to nothing of reducing the texture. Therefore, there further exists no suggestion or motivation in Suzuki and Ono to modify or combine Suzuki and Ono to teach the configuration of the electrodes of the present invention, to reduce texture due to the distortion of an electric field near connections of the pixel electrodes and lines, and between the common electrode and lines, as clearly disclosed in the present application.

Applicants respectfully submit that both the invention and the prior art “as a whole” have not been considered in the outstanding Office action, and that improper hindsight has been gained from consideration of the claimed invention. It is further submitted that Applicants’ disclosure has been used to select portions of Suzuki and Ono to allegedly arrive at Applicants’ invention. In doing so, the Examiner has failed to consider the teachings of the references or Applicants’ invention as a whole, such as a specific configuration to reduce texture due to the distortion of an electric field near connections of the pixel electrodes and lines, in contravention of section 103.

Since, the Section 103 rejection was based on selective combination of the prior art references to allegedly render a subsequent invention obvious, and since there exists no suggestion or motivation in Suzuki and Ono to modify or combine Suzuki and Ono to teach the configuration of the electrodes of the present invention for all the reasons discussed above, Applicants respectfully submit that the relevant rejections of Claims 1, 2, 4, 6, 8 and 9 are improper and cannot be maintained.

Thus, Suzuki, Mori and Ono, alone or in combination, *do not teach or suggest all of the limitations* of Claims 1, 2, 4, 6, 8 and 9. Additionally, since Suzuki, Mori and Ono provide no suggestion or motivation to modify or combine the electrodes of Suzuki and Ono to teach the claimed invention, since both the invention and the prior art "as a whole" have not been considered in the outstanding Office action, since improper hindsight has been gained from consideration of the claimed invention, and since Applicants' disclosure has been used to select portions of Suzuki and Ono to allegedly arrive at Applicants' invention, *prime facie* obviousness does not exist regarding Claims 1, 2, 4, 6, 8 and 9 with respect to Suzuki, Mori and Ono.

Applicants respectfully submit that Claims 1, 2, 4, 6, 8 and 9 are not further rejected or objected to and are therefore allowable. Reconsideration and allowance of Claims 1, 2, 4, 6, 8 and 9 are respectfully requested.

### Conclusion

All of the objections and rejections are herein overcome. In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. No new matter is added by way of the present Amendments and Remarks, as support is found throughout the original filed specification, claims and drawings. Prompt issuance of Notice of Allowance is respectfully requested.

The Examiner is invited to contact Applicants' attorney at the below listed phone number regarding this response or otherwise concerning the present application.

Applicants hereby petition for any necessary extension of time required under 37 C.F.R. 1.136(a) or 1.136(b) which may be required for entry and consideration of the present Reply.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,

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